

1 AN ACT concerning agriculture.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Livestock Management Facilities Act is  
5 amended by changing Section 12.1 as follows:

6 (510 ILCS 77/12.1)

7 Sec. 12.1. Final determination.

8 (a) Within 15 calendar days of the close of the comment  
9 period under subsection (b) of Section 12, the Department  
10 shall determine if, more likely than not, the provisions of  
11 the Act have been met and shall send notice to the applicant  
12 and the county board indicating that construction may  
13 proceed. If the Department finds that, more likely than not,  
14 the provisions of the Act have not been met the Department  
15 shall send notice to the applicant that construction is  
16 prohibited.

17 (a-5) If the Department finds that additional  
18 information or that specific changes are needed in order to  
19 assist the Department in making the determination under  
20 subsection (a) of this Section, the Department may request  
21 such information or changes from the owner or operator of the  
22 new livestock waste handling facility or waste management  
23 facility.

24 (b) If no informational meeting is held, the Department  
25 shall, within 15 calendar days following the end of the  
26 period for the county board to request an informational  
27 meeting, notify the owner or operator that construction may  
28 begin or that clarification is needed.

29 (c) If the owner or operator of a proposed livestock  
30 management facility or livestock waste handling facility  
31 amends the facility plans during the Department's review, the

1 Department shall notify the county board, which may exercise  
2 its option of a public informational meeting pursuant to  
3 Section 12 of this Act.

4 (d) If the owner or operator of a proposed new livestock  
5 management or new livestock waste handling facility amends  
6 the facility plans during the Department's review process by  
7 increasing the animal unit capacity of the facility such that  
8 the required setback distances will be increased, the owner  
9 or operator shall submit a revised notice of intent to  
10 construct and comply with applicable provisions of this Act.

11 (e) If a livestock management or other facility  
12 regulated under this Act is being proposed and is subject to  
13 Section 12 of this Act, then the county in which the proposed  
14 site is located and all bordering counties within 2 miles of  
15 the proposed site each have jurisdiction over and must be  
16 involved in the registration and project approval process as  
17 provided in this subsection.

18 Upon approval of the project by the Department of  
19 Agriculture finding that the project meets the requirements  
20 of this Act and its rules, the project must be approved by a  
21 combined vote of all members of the county boards in all  
22 counties having jurisdiction. A simple majority vote of all  
23 the members voting shall determine whether it is in the best  
24 interest of the region that the project be allowed to  
25 proceed. This vote shall be final and conclusive.

26 Any proposed facility must, prior to commencing  
27 construction and at its own expense, improve all existing  
28 access roads sufficient to meet the tonnage specifications  
29 and requirements for construction and operation of the  
30 facility.

31 These requirements do not apply to any waste lagoon  
32 registration under this Act.

33 (Source: P.A. 91-110, eff. 7-13-99.)